

AMENDMENTS TO THE DRAWINGS

In accordance with U.S. Patent and Trademark Office practice, proposed drawing changes as REPLACEMENT SHEETS are attached, wherein Applicant proposes to amend the drawings in the above-identified application as follows:

Please amend Figure 3 by:

Deleting "FIG. 3".

Replacing "(A)" with -- FIGURE 3A --.

Replacing "(B)" with -- FIGURE 3B --.

Replacing "S11" with -- S2 --.

Replacing "S12" with -- S3 --.

Replacing "S13" with -- S4 --.

Replacing "S14" with -- S5 --.

No new matter has been added. Approval is earnestly requested.

REMARKS

This is in full and timely response to the Office Action dated December 28, 2009.

Claims 16-32 are currently pending in this application, with claims 16 and 25 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Claim rejections

While not conceding the propriety of the claim rejections and in order to advance the prosecution of the present application, the rejected claims have been canceled.

Withdrawal of these rejections is respectfully requested.

Newly added claims

i. Claims 17-24 are dependent upon claim 16.

Claim 16 is drawn to an examination apparatus comprising:

an editor configured to permit selection of a determination zone, said determination zone being one of a plurality of time periods during which biological information is measured,

wherein said biological information includes a respiratory airflow of a subject and an enhanced state of sympathetic nerves of the subject, said enhanced state of sympathetic nerves being extracted from an electrocardiogram wave form of the subject.

Either individually or as a whole, the references applied in the rejection of the claims fail to disclose, teach, or suggest *an editor configured to permit selection of a determination zone, said determination zone being one of a plurality of time periods during which biological information is measured.*

ii. Claims 26-32 are dependent upon claim 25.

Claim 25 is drawn to a therapeutic method comprising:

providing a subject with oxygen-enriched gas, said oxygen-enriched gas being provided from a supplying apparatus when said subject is determined to exhibit an enhancement of sympathetic nerves, and a transition of said enhanced state of sympathetic nerves is in conjunction with a transition of said respiratory airflow.

Either individually or as a whole, the references applied in the rejection of the claims fail to disclose, teach, or suggest *oxygen-enriched gas being provided from a supplying apparatus when said subject is determined to exhibit an enhancement of sympathetic nerves, and a transition of said enhanced state of sympathetic nerves is in conjunction with a transition of said respiratory airflow.*

Allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. §1.104(d)(2), M.P.E.P. §2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

Fees-general authorization

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: July 27, 2010

Respectfully submitted,

By

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Attachments